(3) THE CODE OF CRIMINAL PROCEDURE (MADRAS SECOND AMENDMENT) BILL, 1955.

SRI V. GOPALA GOUNDER : Sir, I move—

"That leave be granted to introduce the Code of Criminal Procedure (Madras Second Amendment) Bill, 1955." 10-50 a.m.

SRI A. RATNAM : I second the motion.

MR. SPEAKER : Motion moved—

"That leave be granted to introduce the Code of Criminal Procedure (Madras Second Amendment) Bill, 1955."

(After a pause)

What does the Hon. Finance Minister say?

SRI V. GOPALA GOUNDER : The motion is only for leave for introduction.

MR. SPEAKER : Even leave for introduction may be opposed.

* THE HON. SRI C. SUBRAMANIAM : Sir, I am sorry it will not be possible for me to agree to the grant of leave for introducing the Bill. Recently the Parliament has amended the Code, and the amending Act has not even come into force. It will not be advisable to make an amendment so soon after the amendment by Parliament. Let us work the Code as amended for three or four years. If we then find that there are real difficulties, we can make the necessary amendment. As a matter of fact, we ourselves are considering how to get over the difficulties. I would request the hon. Member to give some time to the Government to take action on the executive side.

* SRI V. GOPALA GOUNDER : Sir, after all I am moving only for leave for introduction. The ultimate fate of the Bill could be decided at the consideration stage.

The objects of my Bill are stated in the Statement of Objects and Reasons appended to it. The Code of Criminal Procedure was recently amended by Central Act XXVI of 1955. That Amending Act omitted section 407 and amended sections 408 and 409 so as to provide for appeals against convictions passed by Magistrate of Second and Third Classes to the Court of Session. In our country the levy of a fine of even a pie is considered a blot on the character of the person, and so every convicted person would like to appeal to get the conviction set aside. The Court of Session is generally located in the district headquarters, and parties who are residing far away are put to great hardship in preferring appeals. Provision for appeals to the Court of Session increases the work of that Court and results in delay in the disposal of these appeals. The objects of the Central Amendment Act were, (1) to provide adequate facilities to every accused person for defending himself, and (2) to ensure speedy disposal of

criminal judicial business. Both these objects are not achieved by the provision of appeal to the Court of Session, as has been pointed out above.

Then, it was said that the object of amending section 407 so as to provide for appeals to the Court of Session was 'as a step towards effecting separation of the Judiciary from the Executive'. The idea in the minds of the Members of Parliament might have been that provision for appeal to Subdivisional Magistrates might lead to miscarriage of justice because they did not know the intricacies of law. Separation of the judiciary from the executive has been effected throughout our State and even Subdivisional Magistrate Courts are presided over by judicial officers, and therefore the possibility of miscarriage of justice does not arise even if the appeal is preferred to the Subdivisional Magistrates.

My Amending Bill seeks to remove the absence of easy access to the parties of the Court of appeal due to distance and to minimise delay in the disposal of appeals. The Hon. Finance Minister is a lawyer and he knows the difficulties of the people in going to a Court of Session. If he gives an assurance that he will bring forward some other measure to remove these difficulties, I have absolutely no objection to withdraw my motion.

* THE HON. SRI C. SUBRAMANIAM : If I explain the position, I am sure the hon. Member will appreciate why I am opposing even leave for introducing the Bill. As a matter of fact, I am quite aware of the difficulties. After considering the whole matter, I thought they could be removed by declaring all Subdivisional Magistrates as Assistant Sessions Judges for the purpose of hearing appeals only. That was the proposal I made. When the proposal was referred to the Government of India, they said that this proposal might defeat the very object with which the Code was amended recently and that appeals should lie to persons higher up in the judicial hierarchy.

The arrangement that I now propose to suggest is this. District Magistrate is a person of the same rank as the Assistant Sessions Judge. He may be designated as the Assistant Sessions Judge for the purpose of disposing of appeals. He will be sitting at various places and disposing of cases. He will be doing original trial work so that he may be conversant with that work also, apart from the Sessions work. I am hoping that this arrangement will obviate the difficulties pointed out by the hon. Member. Let us wait for at least a year and see how the Code as amended works. Under these circumstances I request the hon. Member to withdraw his motion.

* SRI V. GOPALA GOUNDER : I quite appreciate the views expressed by the Hon. Minister. Even the District Magistrate is holding his court in the district headquarters. If he tours and holds the court in different places for the purpose of hearing appeals, I have no objection to that course. District Magistrates have not got adequate original work in most of the Courts. I will

26th November 1955] [Sri V. Gopala Gounder]

be satisfied with this arrangement. But the implementation of this arrangement should synchronise with the coming into force of the Central Amending Act.

THE HON. SRI C. SUBRAMANIAM : Yes, this will come into force along with that.

SRI V. GOPALA GOUNDER : Sir, I beg leave of the House to withdraw my motion.

The motion was, by leave, withdrawn.

(4) THE SWAYAMARIYATHAI MARRIAGES VALIDATION BILL, 1955.

SRI P. RANGASWAMI REDDIAR : Sir, I move—

"That leave be granted to introduce the Swayamariyathai Marriages Validation Bill, 1955."

SRI K. R. SAMBANDAM : I second the motion.

THE HON. SRI C. SUBRAMANIAM : I am not opposing the motion.

MR. SPEAKER : The question is—

"That leave be granted to introduce the Swayamariyathai Marriages Validation Bill, 1955."

The motion was put and carried.

SRI P. RANGASWAMI REDDIAR : Sir, I introduce the Bill.

(5) THE MADRAS SLUM IMPROVEMENT (ACQUISITION OF LAND) BILL, 1955.

SRI A. RATNAM : Sir, I move—

"That leave be granted to introduce the Madras Slum Improvement (Acquisition of Land) Bill, 1955."

SRI V. GOPALA GOUNDER : I second the motion.

THE HON. SRI C. SUBRAMANIAM : I do not want to oppose it at this stage.

MR. SPEAKER : The question is—

"That leave be granted to introduce the Madras Slum Improvement (Acquisition of Land) Bill, 1955."

The motion was put and carried.

SRI A. RATNAM : Sir, I introduce the Bill.

B. Resolutions

MR. SPEAKER : Sri C. Kandasamy will move the resolution standing in his name.

SRI C. KANDASAMY : I am not moving the resolution.